

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
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4 Yausmenda Freeman,

5 Plaintiff

6 v.

7 Clark County, Nevada, et al.,

8 Defendants

Case No. 2:25-cv-00006-JAD-BNW

**Order Denying Motions**

ECF Nos. 9, 12

9 Yausmenda Freeman brings this civil-rights action to redress her April 2, 2024,  
10 traffic stop and everything that happened in the legal process that followed it. This case  
11 was randomly assigned to the undersigned district judge and to Magistrate Judge Brenda  
12 Weksler. Freeman immediately moved for Judge Weksler to recuse from this case based  
13 on the fact that she is also the magistrate judge assigned to one of Freeman's other cases.<sup>1</sup>  
14 Because that is not a valid legal basis for recusal, Judge Weksler denied the motion.<sup>2</sup>  
15 Freeman now moves this district court to disqualify Judge Weksler, and she has filed an  
16 "ex parte motion to compel ruling on" her *in forma pauperis* application and requests that  
17 the screening of her complaint be performed by this district court or the Chief Judge of  
18 this district "in light of extended delays and potential due process concerns."<sup>3</sup>  
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21 <sup>1</sup> ECF No. 3.

22 <sup>2</sup> ECF No. 4.

23 <sup>3</sup> ECF No. 12.

1 Because the belief that this case is being delayed forms a basis for both of  
2 Freeman's requests, I address it first. This case has not been the subject of delays, let  
3 alone extended delays. The litigation process is slow for everyone because this court gets  
4 thousands of cases each year with tens of thousands of motions that must be decided.  
5 When any plaintiff files a complaint and applies to proceed *in forma pauperis*, the  
6 litigation process has an even slower start because 28 U.S.C. § 1915(e)(2) requires that  
7 the complaint be screened to determine if any claim is subject to dismissal.<sup>4</sup> The  
8 screening process is thorough and takes significant time, and hundreds of complaints get  
9 in the queue for screening under this process each year. The initial screening process  
10 typically takes between eight and twelve months. When the court has to decide  
11 additional motions in the case before it can get to the screening process, that time frame  
12 gets stretched out even longer.

13 It has been just four months since Freeman filed her complaint, and she's filed five  
14 motions that have required the assigned judges to issue rulings.<sup>5</sup> Plus, Freeman's  
15 complaint is unusually voluminous. It's 55 pages long and consists of 274 numbered  
16 paragraphs and even more subparagraphs across eleven claims for relief.<sup>6</sup> Its size  
17 requires the magistrate judge to expend an extraordinary amount of time and resources on  
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20 <sup>4</sup> *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (en banc) (“[S]ection 1915(e)  
21 applies to all in forma pauperis complaints, not just those filed by prisoners.”); *accord*,  
22 *Calhoun v. Stahl*, 254 F.3d 845 (9th Cir. 2001) (per curiam).

21 <sup>5</sup> See ECF Nos. 3, 5, 6, 9, 12.

22 <sup>6</sup> ECF No. 1-1.

1 its screening. As a result, the screening process for Freeman’s complaint will take more  
2 time than the typical pro se complaint.

3 All this is to say that this case is not being ignored—far from it. But any  
4 expectation that it should be through the screening process already or will be screened in  
5 the immediate future will not be met. While this court is sympathetic to frustrations over  
6 the slow pace of justice, this is simply the reality of the process. This case is in the queue  
7 and will be screened in the normal course; there is nothing about this case that merits  
8 expedited or special treatment. So Freeman’s request that to compel screening and a  
9 ruling on her *in forma pauperis* application by this judge or the Chief District Judge is  
10 denied.

11 Nor has Freeman established a valid basis to disqualify Magistrate Judge Weksler  
12 from this case. It is not unusual for the same judges to get assigned multiple cases by a  
13 single plaintiff—it happens all the time and is just the nature of the random-assignment  
14 system. Freeman has filed nearly a dozen actions in this court, so the fact that Judge  
15 Weksler is the magistrate judge assigned to more than one of them is neither unusual nor  
16 a basis for her to recuse.

17 As a secondary reason that Judge Weksler should be removed from this case,  
18 Freeman says that “[t]here appears to be coordinated timing” between one of her rulings  
19 and action taken by the state-court judge in a case that Freeman has pending in Nevada’s  
20 Eighth Judicial District Court.<sup>7</sup> As Freeman explains it, that action “had no movement in  
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22 <sup>7</sup> ECF No. 9 at 3.

1 it until after Magistrate Judge Weksler issued” a minute order in this case. This,  
2 Freeman suggests, “raises concern with the appearance of impropriety, undue influence,  
3 retaliation, collusion, and unreasonable delay.”<sup>8</sup> But Freeman has established nothing  
4 more than a timing coincidence between the two actions, and no facts support the  
5 conclusion that something more occurred. So this, too, fails to establish a basis for  
6 removal.

7 As a final point, Freeman argues that her request for Judge Weksler to recuse  
8 should have been decided by me, not the magistrate judge herself.<sup>9</sup> But the law does not  
9 support this assertion. The Ninth Circuit “ha[s] held repeatedly that the challenged judge  
10 [her]self should rule on the legal sufficiency of a recusal motion in the first instance.”<sup>10</sup>  
11 So Freeman’s challenge to Judge Weksler’s continued handling of this case was  
12 appropriately decided in the first instance by Judge Weksler herself.

13 IT IS THEREFORE ORDERED that Plaintiff’s Ex Parte Motion to Disqualify  
14 Magistrate Judge Pursuant to 28 U.S.C. §§ 144 and 455 and Request for District Judge  
15 Review of Order Denying Disqualification Pursuant to Fed. R. Civ. P. 72(a) [ECF No. 9]  
16 is **DENIED**;

17 IT IS FURTHER ORDERED that Plaintiff’s Ex Parte Motion to Compel Ruling  
18 on *in Forma Pauperis* Application and Screening of Complaint with Request for

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19 <sup>8</sup> *Id.*

20 <sup>9</sup> *Id.* at 5.

21 <sup>10</sup> *United States v. Studley*, 783 F.2d 934, 940 (9th Cir. 1986).

1 Oversight by Presiding Judge and/or Chief Judge [ECF No. 12] is **DENIED**. The  
2 application to proceed *in forma pauperis* will be decided, and the complaint will be  
3 screened, by Magistrate Judge Weksler in the normal course.

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U.S. District Judge Jennifer A. Dorsey  
6 May 5, 2025  
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